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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,524	09/22/2003	Mikiko Hirata	Q77601	5855
23373	7590	01/27/2006		
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER SUN, SCOTT C	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,524

Applicant(s)

HIRATA ET AL.

Examiner

Scott Sun

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. Claims 1-5, 7, 8 recite "specified information". Without additional detail to distinguish "specified" information from information, it is unclear what are applicant's intended metes and bounds. For the purpose of continuing examination, "specified information" will be interpreted as "device information" based on applicant's disclosure of the invention.
3. Claim 2 recites "selected actually". Without additional detail to distinguish "selected actually" from "selected", it is unclear what are applicant's intended metes and bounds. For the purpose of continuing examination, "selected actually" will be interpreted simply as "selected".
4. Claims 2 and 4 recite the limitation "the alternatives". There is insufficient antecedent basis for this limitation in the claim. For the purpose of continuing examination, examiner notes claim 1 recites "an alternative", and will interpret "one of the alternatives" as "the alternative".
5. Claim 3 recites "the information". It is unclear whether applicant is referring to "specified information" or "input information". For the purpose of continuing examination, "the information" will be interpreted as "the input information".

6. Claim 6 is rejected because of its dependency on one or more of the above rejected claims.

7. The following rejections are made based on the examiner's best interpretation of the claims in light of the 35 USC 112 rejections above.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claim 8 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically, claim 8 recites "a computer *data signal* embodied in a *carrier wave*". See annex IV of "*Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility*".

10. To expedite a complete examination of the instant application, the claim(s) rejected under 35 USC 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al (US Patent #6,477,589 B1).

13. Regarding claim 1, Suzuki discloses an information processing apparatus (devices in figure 1) connected to a single bus system (1394 serial bus) together with other information processing apparatuses (column 6, lines 41-45) comprising:

A selecting device (root node, figure 18) for selectively inputting the input information (data packets) supplied from a plurality of input sources (other nodes; column 15, lines 11-24);

An acquisition device (application software on node; column 18, lines 6-13) for acquiring specified information (node information from configuration ROM; figure 9) for specifying the other information processing apparatuses connected through the bus (column 9, lines 57-62);

A setting device (application software on node) for setting one of the other information processing apparatuses replacing one of the plurality of the input sources as an alternative in the selecting device, based on the acquired specified information (column 31, lines 8-18).

14. Regarding claim 2, Suzuki discloses the information processing apparatus according to claim 1, further comprising:

A first notification device (root node, figure 18b) for notifying the specified information corresponding to the selected one of the other information processing

apparatuses when the one of the other information processing apparatuses set as one of the alternatives is selected actually as the input sources;

A second notification device (root node) for notifying the one of the input sources replaced by the currently selected one of the other information processing apparatuses, in parallel with the notification by the first notification device (figure 18b; column 15, lines 28-35).

15. Regarding claim 3, Suzuki discloses the information processing apparatus according to claim 1, further comprising a notification device (root node) for notifying only the specified information corresponding to the other information processing apparatuses supplied with the information when the information from the other information processing apparatuses not set as the alternative is input through the bus (figure 18b; see arguments for claim 2 above).

16. Regarding claim 4, Suzuki discloses the information processing apparatus according to claim 1, wherein the setting device includes:

An extraction device for extracting (application software), based on the acquired specified information, only those of the other information apparatuses meeting the conditions selectable as the alternative among the plurality of the other information processing apparatuses in setting one of the other information processing apparatuses as the one of the alternatives (selection of a device, figure 25; column 19, lines 25-29); and

A display device (figure 22, display 18) for displaying only the extracted other information processing apparatuses (column 20, lines 57-65).

17. Regarding claim 5, Suzuki discloses the information processing apparatus according to claim 1, further comprising a storage device (HD 24 / RAM 16) for storing the acquired specified information (column 25, lines 32-36)

18. Regarding claim 6, Suzuki discloses the information processing apparatus according to claim 1, wherein the bus is a serial bus based on IEE 1394 standard (figure 1).

19. Regarding claims 7 and 8, examiner finds these claims substantially similar to claim 1. Therefore the same arguments used in rejection of claim 1 are applied.

Conclusion

20. Other publications are cited to further show the state of the art with respect to bus access control. Refer to form 892, "Notice of References Cited", for a complete list of relevant prior arts cited by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Sun whose telephone number is (571) 272-2675. The examiner can normally be reached on M-F, 10:30am-7pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim N. Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2182

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SS

1/20/2006



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